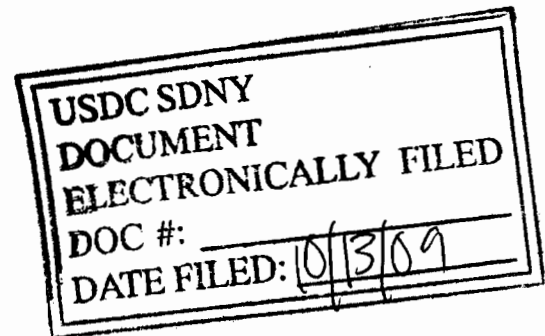


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
BALDOR SPECIALTY FOODS, INC.,

Case No. 09 CV 2049 (BSJ)(HBP)

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT AGAINST GARDEN
STATE PRODUCE CO. INC. and
GARY FERRUGGIA**

-against-

GARDEN STATE PRODUCE CO. INC., GARY
FERRUGGIA, individually and in any corporate or
partnership capacity,

Defendants.

----- X
Upon consideration of the Plaintiff's motion for entry of a default judgment against defendants Garden State Produce Co. Inc. and Gary Ferruggia, and the Declarations of Eileen Manitsas, the Vice President of Finance of plaintiff Baldor Specialty Foods, Inc. and the plaintiff's attorney, Timothy J. Fierst, Esq., and there being no opposition thereto, and it appearing to the Court that defendants Garden State Produce Co. Inc. and Gary Ferruggia failed to plead or otherwise defend in this action; and that a principal balance in the amount of \$ 15,456.33 is due plaintiff Baldor Specialty Foods, Inc., and that plaintiff Baldor Specialty Foods, Inc. is entitled to statutory interest in the amount of \$ 2,425.64, and that plaintiff is entitled to an award of attorneys' fees in the amount of \$ 5,500.50,

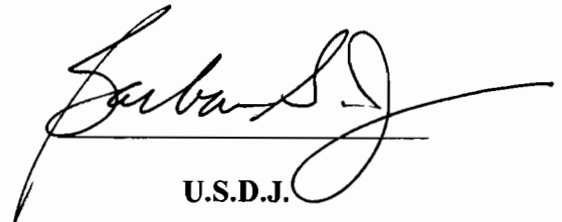
pursuant to the parties' contract, and that plaintiff has the right to recover against Garden State Produce Co. Inc. and Gary Ferruggia, jointly and severally, pursuant to Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. §499(e)(a-c) ("PACA"), it is hereby granted; and it is further

ORDERED, that plaintiff's motion for entry of a default judgment be, and is hereby, granted; and it is further

ORDERED, ADJUDGED AND DECREED, that judgment is hereby entered in favor of plaintiff, Baldor Specialty Foods, Inc., 155 Food Center Drive, Bronx, New York 10474, and against Garden State Produce Co., Inc., 4475 South Clinton Avenue, South Plainfield, New Jersey 07080 and Gary Ferruggia, 4475 South Clinton Avenue, South Plainfield, New Jersey 07080, pursuant to PACA in the principal amount of \$ 15,656.33, plus contract interest in the amount of \$ 2,425.64; and it is further

ORDERED, ADJUDGED AND DECREED, that plaintiff be awarded attorneys' fees and costs in the amount of \$ 5,580.50.

ENTERED this 13th day of October, 2009.


U.S.D.J.

CROWELL & MORING LLP
Timothy J. Fierst (TF:3247)
Attorneys for Plaintiff
590 Madison Avenue, 20th Floor
New York, New York 10022
(212) 895-4200

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
BALDOR SPECIALTY FOODS, INC.,

Case No. 09 CV 2049 (BSJ)(HBP)

Plaintiff,

-against-

**CLERK'S CERTIFICATE OF
DEFAULT**

GARDEN STATE PRODUCE CO. INC., GARY
FERRUGGIA, Individually and in any corporate
capacity,

Defendants.

----- X
I, J. Michael McMahon, Clerk of the Court of the United States District Court for the
Southern District of New York, DO HEREBY CERTIFY that the defendants Garden State
Produce Co. Inc. and Gary Ferruggia have failed to plead or otherwise defend as provided by the
Federal Rules of Civil Procedure, and have not filed an answer or otherwise moved with respect
to the complaint herein. The default of defendants Garden State Produce Co. Inc. and Gary
Ferruggia is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York

~~August~~ 9, 2009
oet

J. MICHAEL McMAHON

J. Michael McMahon

Clerk of Court

By *[Signature]*

Deputy Clerk